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# ADS Chapter 414

## Foreign Service (FS) Appointments

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**Functional Series 400 - Personnel****ADS 414 - Foreign Service (FS) Appointments**POC for ADS 414: Joann Jones, (202) 712-5048, [JoJones@usaid.gov](mailto:JoJones@usaid.gov)**Table of Contents**

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## ADS 414 - Foreign Service (FS) Appointments

### 414.1 OVERVIEW

Effective Date: 07/01/2010

This chapter provides the policy directives and required procedures that govern Foreign Service (FS) appointments in USAID. This chapter does not apply to Civil Service (CS) to FS, Senior Foreign Service (SFS), Foreign Service National (FSN), and U.S. Citizens Hired Abroad (American family and non-family members) appointments.

Policy directives and required procedures for other FS appointments are located in the Automated Directives System (ADS) as follows:

- [ADS 415, Civil Service \(CS\) to Foreign Service \(FS\) Appointment Program.](#)
- [ADS 422, Personnel Operations: Senior Foreign Service.](#)
- [ADS 495, Foreign Service National Personnel Administration,](#) and
- [ADS 499, Overseas Employment Program.](#)

### 414.2 PRIMARY RESPONSIBILITIES

Effective Date: 07/01/2010

- a. **The Deputy Assistant Administrator for Human Resources (DAA/HR)** exercises authority delegated in [ADS 103.3.11](#) for all aspects of human resources management.
- b. **The Office of Human Resources, Policy, Planning, and Information Management Division (OHR/PPIM)** is responsible for determining skill needs, developing workforce projections and recruitment plans, and formulating and interpreting human resources guidelines, policies, and regulations.
- c. **The Office of Human Resources, Foreign Service Personnel Division (OHR/FSP)** is responsible for administering all processes related to the appointment of employees covered by this chapter.
- d. **The Tenure Board** is responsible for examining career candidates to ensure they demonstrate aptitude and fitness for career service, as required by the standards of performance for tenured Foreign Service Officers (FSOs).
- e. **Performance Boards**, are responsible for considering all eligible FS employees for:

- (1) Possible promotion to the next higher class,

- (2) Award of performance pay,
- (3) Offer or renewal of limited career extensions,
- (4) Denial of within-class increases, and
- (5) Mandatory retirement for relative performance (known as selection-out) for candidates not meeting the standards of their class.

**f. The Office of Human Resources, Employee and Labor Relations Division (OHR/ELR)** is responsible for convening and providing guidance and support to Performance and Tenure Boards.

**g. The Office of Management Policy, Budget and Performance (M/MPBP)** functions as the Bureau for Management's central unit for budget planning and implementation, policy formulation, performance monitoring and evaluation and administrative support services. It houses the Bureau for Management's administrative services team. M/MPBP also clears all memos requesting approval to use recall authority, regardless of funding source.

#### **414.3 POLICY DIRECTIVES AND REQUIRED PROCEDURES**

##### **414.3.1 Foreign Service Appointments**

Effective Date: 01/03/2013

The Agency's policy is to recruit and select the best qualified candidates available for FS appointments, without regard to race, gender, sexual orientation, color, age, (except as limited by [Section 812 of the Foreign Service Act of 1980, as amended](#)) religion, ethnic origin, marital status, political affiliation, or physical disability.

USAID considers the fact that an applicant for appointment as a FS officer candidate is a veteran or disabled veteran (a preference eligible under [subparagraphs \(A\), \(B\), and \(C\) of 5 U.S.C. 2108\(3\)](#)) as an affirmative factor in the selection of applicants for initial appointment to the USAID Foreign Service (see [Section 301 of the Foreign Service Act of 1980, as amended](#)) depending on the candidate's qualifications; education; relevant experience as defined in the vacancy announcement for positions in each backstop; **and salary history** (See **414.3.7.1**).

USAID appoints Career Candidates to positions in a specific backstop. Since these positions are filled competitively in response to the Agency's needs in the technical area, Career Candidates **may not seek to change** the backstop for which they were selected. This maintains the integrity of the competitive selection process. It also maintains workforce planning requirements and ensures that Career Candidates gain sufficient experience for tenure, since tenuring decisions are made by backstop.

(Further information about tenuring can be found in 459.3.8 below and in **ADS 414.3.6, Tenuring of Career Candidates.**) On rare occasions, when management needs dictate, however, the Agency may change a career candidate's backstop via approval of assignment to a new backstop.

Although [Section 307 of the Foreign Service Act, as amended](#), allows new entry appointments up to FS-04, USAID's policy is to appoint Junior Officer (JO) Career Candidates to salary classes FS-06 or FS-05 at various steps, depending on the candidate's qualifications; education; relevant experience as defined in the vacancy announcements for positions in each backstop; and highest previous salary as documented by payroll or tax records. Mid-level FS career candidates are appointed to classes FS-04, FS-03, and FS-02, based on the same criteria. Such appointments are time-limited, must not exceed five years, and must not be extended or renewed except as authorized in **414.3.2.1**.

The FS is part of the civilian workforce of the Federal Government. FS employees are appointed in the excepted service, that is, not subject to appointment requirements of the competitive service.

The [Foreign Service Act of 1980, as amended](#), may be referred to in this chapter simply as "the Act."

#### **414.3.1.1**      **Conditions of FS Employment** Effective Date: 01/03/2013

Applicants for appointment to the FS are subject to the following conditions of employment:

- a. **Age** – Career appointments in the FS are covered by the [Foreign Service Act of 1980, as amended](#). Individuals must be at least 18 years old and no older than 59 years of age on the date of their appointment. Chapter 8, Section 812 of the Act directs mandatory retirement at age 65. As a result, there is a maximum age limit of 59 at the time of appointment to the FS. The maximum age for appointment under these regulations is based on the requirement that all career candidates must be able to
  - (1) Complete at least four years overseas on assignment exclusive of orientation and training;
  - (2) Complete the requisite eligibility period for tenure consideration (see **414.3.6**) in the backstop in which he or she was hired (unless changed in response to Agency needs via approval of assignment to a new backstop); and

- (3) Complete the requisite eligibility period of five years to receive retirement benefits, before reaching the mandatory retirement age of 65, as prescribed by the Act.
- b. **Citizenship** – Appointees must be U.S. citizens at the time of appointment.
  - c. **Employment Eligibility Verification (E-Verify)** – USAID must verify the employment eligibility of all new hires as outlined in the [Employment Eligibility Verification Program \(E-Verify\)](#) implementing guidelines. E-Verify allows U.S. employers to authenticate name, date of birth (DOB), and social security number (SSN), along with immigration information for non-citizens, against Federal data bases in order to verify the employment eligibility of both citizen and non-citizen new hires. The establishment of the E-Verify Program in USAID satisfies requirements of the [Homeland Security Presidential Directive 12](#) issued by the White House in August 2004.
  - d. **Drug Testing** – All applicants who are appointed to USAID positions are subject to drug testing, as required by [ADS 410, Drug Free Workplace Program](#).
  - e. **Medical Clearance** – Prior to appointment, the Medical Director, Office of Medical Services (M/MED), Department of State, must determine that the employee or applicant and eligible family members qualify without limitation for worldwide assignment unless the DAA/HR waives this requirement. (See [Guidelines for the Medical Review Committee](#) and [Medical Clearances and Waivers at the Time of Appointment and at Tenuring in the USAID Foreign Service](#) for additional information on the medical waiver process.)
  - f. **Qualifications/Suitability** - Applicants' qualifications and suitability for appointment are determined after recruitment panels convened by OHR/FSP conduct a formal evaluation of the candidates' education and experience during the panel's rating, ranking, and interview process. This formal evaluation is outlined in [ADS 468, Foreign Service Personnel Recruitment](#).
  - g. **Security Clearance** – Appointees must meet "Top Secret" security clearance requirements for critical sensitive positions (See [EO 10450, as amended](#)).
  - h. **Selective Service Registration** – All male U.S. citizens who are between the ages of 18 and 25 are required to register under Section 3 of the Military Selective Service Act. Those who are not so registered or knowingly and willfully did not so register before the requirement terminated or became inapplicable to them will be ineligible for appointment to a position in an Executive Agency (See [5 U.S.C. 3328](#)).

Selected candidates for the JO Program must complete question 14 of the [SF-86, Questionnaire for National Security Positions](#), pertaining to their

selective service status. The registration number provided in the appropriate section of the [SF-86](#) will serve as proof of the candidate's registration.

If the candidate is not registered, he must consult with the Selective Service System (SSS) to get information on registration requirements and get registered. Registration must be completed during pre-employment processing otherwise the candidate will be ineligible for appointment. (See the SSS Web site located at [www.sss.gov](http://www.sss.gov) for additional information.) On-line registration is permitted.

- i. **Worldwide Availability** – Applicants hired under career or career candidate appointments must certify their availability for worldwide assignment and service.

- j. **Voluntary Separation Repayment Requirements**

Newly hired FSOs are required to sign the applicable Conditions of Employment (for career, career candidate, or non-career appointments) forms attached to this chapter if assigned immediately overseas.

#### **414.3.1.2 Effective Date of Appointment**

Effective Date: 07/01/2010

An appointment is effective on the date that the appointee begins duty and is available to perform a Federal function.

The appointing officers in OHR/FSP establish effective dates for all appointments to the Agency in consultation with the candidates approved for hire.

#### **4.14.3.1.3 Employment Forms**

Effective Date: 07/01/2010

A [List of Employment Forms](#) required for new hire FS employees to complete upon beginning duty is shown in **414.5 (b)**.

#### **414.3.2 Types of FS Appointments**

Effective Date: 07/01/2010

Based on the needs of the Agency, USAID offers three types of FS appointments including limited, career, and temporary appointments.

- A limited appointment must not exceed five years and must not be extended or renewed, except as authorized in this chapter or otherwise authorized by law.
- A career appointment is an unlimited appointment given to a tenured employee.



- A temporary appointment is limited to a period of one year or less.

FS appointments covered under **414.3.2.1**, **414.3.2.2**, and **414.3.2.3** are governed by the following sub-policies:

#### **414.3.2.1 Career Candidate Appointments**

Effective Date: 01/03/2013

Career candidate appointments are appropriate for positions that require skills linked to long-term USAID FS staffing needs; hence, candidates are appointed in specific backstops and must remain in them until tenure is granted (unless changed at the Agency's discretion via approval of assignment to a new backstop). Career candidate appointments are time-limited, must not exceed five years, and may not be extended or renewed except as provided in [Section 309\(b\)\(3\) of the Act](#) and [Chapter 43 of Title 38, United States Code](#), which pertains to employee rights under the [Uniformed Services Employment and Reemployment Rights Act of 1994 \(USERRA\)](#).

Career candidates are

- a. Appointed to salary classes FS-06 or FS-05 and are eligible for administrative promotions up to FS-04 under the Agency's career training program for such new hires.
- b. Required to participate in the normal FS evaluation cycle from April through March after administrative promotion to FS-04.
- c. Reviewed by annual Performance Boards against their peers in the same grade level and backstop and must be ranked for promotion to receive future class raises. However, the following conditions must be met:
  - Career candidate employees must be covered by Annual Evaluation Forms (AEFs) for the minimum appraisal period of 120 days through the end of the rating cycle (March 31<sup>st</sup>) in order to be reviewed.
  - Career candidate employees must have served 12 months in their current salary class as of the date that promotions by the Board are effected in order to receive their next promotion. (See [ADS 463, Foreign Service Boards](#))
- d. Required to serve trial periods in accordance with [Section 306 of the Act](#).
- e. Reviewed by Tenure Board(s) at the conclusion of the trial period to determine and make recommendations as to whether USAID should offer them tenure as career FSOs. The decision to tenure is based on the performance of the career candidates, their potential to assume greater responsibility, and the successful completion of other Agency requirements, such as overseas service, medical and security clearances, and language proficiency (see **414.3.4**).

- f. Required to recertify their availability for worldwide assignment and service at the time of tenure review.

#### **414.3.2.2 Career Appointments**

Effective Date: 01/03/2013

Career appointments are appointments given to tenured employees.

Career employees are

- a. Subject to Time-in Class (TIC) rules covered in [ADS 440, Time-in-Class \(TIC\) Limitations and Limited Career Extensions \(LCEs\)](#) and mandatory retirement rules in [Section 812 of the Act](#).
- b. Subject to commissioning requirements detailed in [ADS 435, Commissions, Titles and Rank](#).
- c. Allowed to bid outside of their backstop.

#### **414.3.2.3 Non-Career Appointments**

Effective Date: 07/01/2010

##### **Non-career appointments**

- Are appropriate for overseas positions that cannot be filled as a result of the shortage of career or career candidate FS or where such an appointment would be in lieu of another program-funded non-direct hire;
- Are time-limited, must not exceed five years, and may not be extended or renewed except as provided by law;
- May be program funded worldwide in accordance with statutory provisions authorized in USAID's annual appropriations;
- May be OE funded overseas; and
- May be OE funded in Washington, D.C. only in extremely rare instances, i.e. in support of USAID's effort in Afghanistan and Pakistan.

##### **Non-career employees**

- Are not reviewed by Performance Boards;
- Are not eligible to participate in the FS Open Assignment System;

- Are not required to be available worldwide; and
- Are eligible for reemployment to serve the unexpired portion of their limited appointment if called or volunteers for active military duty, subject to the conditions in [Chapter 43 of Title 38, United States Code](#), which pertain to USERRA.

### **414.3.3 Other Employment Mechanisms**

Effective Date: 07/01/2010

USAID management uses a variety of employment mechanisms to fill FS positions approved for recruitment. Besides appointing individuals to their first Federal position, management has the flexibility to use

- Recall appointments of retired FSOs (See [Section 308 of the Act](#) and **414.3.3.1**);
- Reappoint former (Not Retired) career FSOs (See [Section 308 of the Act](#) and **414.3.3.2**);
- Retain FS employees at age 65 or older (see **414.3.3.4**);
- Extend non-career FS limited appointments (see **414.3.3.5**);
- Convert CS employees to non-career FS appointments as authorized in [ADS 415, Civil Service to Foreign Service Appointment Program](#);
- Change employees from non-career to career candidate appointments (see **414.3.3.6**); and
- Implement the Short-Term Appointment Roster (STAR) (see **414.3.3.7**).

#### **414.3.3.1 Recall to the Foreign Service**

Effective Date: 07/01/2010

[Section 308\(a\) of the Act](#) specifies that “a retired career member of the FS may be recalled to any appropriate salary class or rate except that a retired career member of the SFS may not be recalled to a salary class higher than the one in which he or she was serving at the time of retirement (unless appointed to such higher class by the President, by and with the advise and consent of the Senate).”

Officers recalled to service can carry out the full range of FSO delegated authorities. Therefore, this option may be used to fill Senior Management Group (SMG) positions that the Agency has been unable to fill from the existing workforce. Recalls may be either program funded or Operating Expense (OE) funded. For additional information,

see [ADS 601, Funding Source Policy](#), which provides funding source policy guidance.

The Agency permits the duration of a recall for up to two years, although in practice most recalls are made for only one year. A recall may be extended at management's discretion if the position is advertised during the assignment cycle in which the appointment ends and for which a qualified career FSO has not bid.

In accordance with Agency policy outlined in [ADS 463, Foreign Service Boards](#), recalled FSOs are not reviewed for promotion by Performance Boards, but are evaluated under [ADS 461, Employee Evaluation Program, Foreign Service and Senior Foreign Service](#). If a recalled officer's performance is not satisfactory, the DAA/HR has the authority to terminate the employee's appointment, in accordance with [Section 612 of the Act](#) and as set forth in [ADS 450, Termination of Time-Limited Appointments - Foreign Service](#).

Recalled employees accrue leave and are eligible for such benefits as allowances and differentials on the same basis as career members of the FS.

The DAA/HR has the authority to approve recalls under [Section 308\(a\) of the Act](#). Recall appointments to SMG positions also require review by the SMG Panel and the approval of the USAID Administrator.

The steps to recall a retired FSO at any level are as follows:

1. USAID will consider a recall after a position has been advertised a second time and remains without a qualified career FSO bidder;
2. The respective Bureau or Independent Office (B/IO) may identify a qualified retired career FSO and propose the candidate to the OHR with an Action Memorandum noting prior advertisement of the position to eligible bidders, and the candidate's Curriculum Vitae (CV) to the DAA/HR. The Memorandum must state the proposed position, note prior advertisement of the position to eligible bidders, and describe the proposed candidate's qualifications for the position.
3. If the position will be program funded, the Memorandum must indicate the funding source. All memos requesting approval to use recall authority, regardless of funding source, must be cleared by the Bureau for Management, Office of Management Policy, Budget and Performance (M/MPBP).
4. For SMG candidates, OHR sends the proposed appointment and candidate's CV to the SMG Panel for review, and if the SMG Panel recommends the proposed appointment, OHR submits the request to the Administrator for approval of the specific assignment. Upon the Administrator's approval, the respective B/IO requests Chief of Mission concurrence for any overseas principal officer position.

5. A Human Resources Specialist in the FS Staffing Branch (OHR/FSP/FSS) initiates and coordinates medical and security clearances for the recall candidate. Once all clearances are completed, OHR/FSP/FSS processes the recall appointment.

Retired FSOs recalled to active duty under the provisions of [Section 823 of the Act](#) are entitled to the full salary of the class in which they are serving in lieu of their annuity. During the recall service, payment of the annuity is suspended and retirement contributions are deducted from the recalled officer's salary.

[Section 823 of the Act](#) specifically addresses annuity adjustments for employees recalled to service. Section 823 states:

“(a) Any annuitant recalled to duty in the Service under section 308(a) shall, while so serving, be entitled in lieu of annuity to the full salary of the class in which serving. During such service the recalled annuitant shall make contributions to the Fund in accordance with section 805. On the day following termination of the recall service, the former annuity shall be resumed, adjusted by any cost-of-living increases under section 825 that became effective during the recall period.

(b) If the recall service lasts less than one year, the contributions of the annuitant to the Fund during the recall service shall be refunded in accordance with section 815. If the recall service lasts more than one year, the annuitant may in lieu of such refund, elect a supplemental annuity computed under section 806 on the basis of service credit and average salary earned during the recall period irrespective of the number of years of service credit previously earned. If the recall service continues for at least 5 years, the annuitant may elect to have his or her annuity determined anew under section 806 of the Act in lieu of any other benefits under this section. Any annuitant who is recalled under section 308 may upon written application count as recall service any prior service that is creditable under section 816 that was performed after the separation upon which his or her annuity is based.

(c) If the annuitant becomes subject to subchapter II of this chapter by reason of recall service (1), subsections (a) and (b) shall not apply to such annuitant; and (2) section 824 shall apply to the recall service as if such service were reemployment.”

Retirement Counselors in OHR, Employee and Labor Relations Division (OHR/ELR) may provide annuitants more detailed information regarding a recall appointment and its potential effects on their retirement and survivor benefits. It is incumbent upon retired FSOs to notify the Department of State Retirement Office (OHR/RET) of any reemployment and provide a copy of their appointment [Notification of Personnel Action \(SF-50\)](#).

### 414.3.3.2 Reappointment of Former (Not Retired) Career FSOs

Effective Date: 07/01/2010

Section 308(b) of the Act provides that former career FSOs may be reappointed in order to meet the needs of the Service. This applies to tenured officers who resigned and later wish to resume their careers in the FS. They are reappointed as career members in a salary class that is appropriate to their qualifications and experience and with the same time in class (TIC) remaining as when they separated from the service. After reappointment, the FS evaluation and promotion processes apply.

Former FSOs are reappointed to fill a specific position. Assignments to the initial position will be predetermined by the OHR/FSP in coordination with the respective B/IO before an appointment is offered. In order to meet Agency priorities, reappointments will only be considered to available unfilled Critical Priority Country positions (for example, Afghanistan, Iraq, Pakistan or Sudan) in the appropriate backstop(s) or to positions that the Agency has been unable to fill from the existing workforce when there is a lack of qualified bidders. After the reappointed officer satisfies the initial directed assignment, the officer will be allowed to participate in the Foreign Service assignment process for subsequent assignments.

Former career members of the Service may also be reappointed under section (301) (a) (1), that is, by the President with the consent of the Senate.

Salary and support costs for reappointed FSOs are OE funded. Since reappointed officers resume their USAID careers, each reappointment counts against attrition and may reduce the number of new mid-level hires authorized each year.

The steps to reappoint a former FSO are as follows:

1. Former career (not retired) FSOs who are interested in reemployment are referred to the Foreign Service Personnel Division, Special Programs Branch (OHR/FSP/SPB) and to the respective technical B/IO for his or her backstop for consideration for current openings.
2. The Foreign Service Staffing Branch (OHR/FSP/FSS) verifies that the individual was a career FSO and is eligible for reemployment under Section 308(b).
3. An Assignments and Performance Counselor (APC) in OHR/FSP/SPB advises the former FSO of any unfilled CPC positions that are available in the appropriate backstop(s).
4. The APC notifies the relevant technical B/IO (for example, the Bureau for Global Health for BS-50, the Office of General Counsel for BS-85, etc.) of the reappointment option. If accepted by the technical B/IO for assignment, a Technical Review Committee (TRC) is convened to review on-going backstop needs and the

qualifications of the former officer. The TRC is chaired by OHR and includes one career representative from the appropriate backstop and at least one representative from the B/IO of the anticipated assignment. The candidate must obtain TRC clearance to advance to the next step of the reappointment process.

5. The respective technical B/IO proposes the candidate to OHR with an Action Memorandum and the candidate's CV to the DAA/HR. The memo must state the proposed position, note prior advertisement of the position to eligible bidders, and describe the proposed candidate's qualifications for the position. M/MPBP must clear the Action Memorandum.

6. After approval of the candidate by the DAA/HR, a Human Resources Specialist in OHR/FSP/FSS extends an offer of reappointment contingent upon security and medical clearances. Reappointment assignments are announced on the Foreign Service Assignment System (FSAS) Assignment Approvals Web page of the OHR Web site.

Reappointed FS career members are evaluated under [ADS 461, Employee Evaluation System for Foreign Service and Senior Foreign Service Employees](#), reviewed by Performance Boards for promotion consideration, and are eligible for all benefits available to other career FSOs.

#### **414.3.3.3 Ethics Implications**

Effective Date: 07/01/2010

Reemployment under one of these mechanisms may have ethics implications. Based on where a Foreign Service Officer was previously employed prior to the potential recall or reappointment, there may be impact on the duties the individual may perform for the Agency. If there are any ethical concerns or questions about a prospective appointment under one of these mechanisms, the staff in the Office of the General Counsel, Ethics and Administration (GC/EA) must be consulted before an offer of employment is extended.

#### **414.3.3.4 Retention of Foreign Service Employees at Age 65 or Older**

Effective Date: 07/01/2010

In accordance with [Section 812 of the Act](#), an employee must be retired from the FS at the end of the month in which he or she reaches age 65 and has at least five years of service under the FS Retirement System (excluding military and naval service). However, in the public interest, the Agency may retain on active duty an employee who is 65 years of age for a period not to exceed five years, if the DAA/HR, in accordance with [Section 812 \(b\)\(2\) of the Act](#), grants approval. At the end of the period of authorized service, the employee will be retired at the end of the month in which he or she completes such service.



Performance Boards do not review employees retained under this section.

#### **414.3.3.5 Non-Career Appointments**

Effective Date: 07/01/2010

USAID sought legislative authority to extend FSL term appointments due to the expansion of USAID's career FS under the Development Leadership Initiative (DLI). As a result, the Congress provided USAID with authority to extend FSL appointments for up to four additional years. Specifically, [Subsection 7059\(g\) Foreign Service Limited Extensions, of the Omnibus Appropriations Act, 2009, Pub. L. 111-8](#) provides:

"SEC. 7059. (g) FOREIGN SERVICE LIMITED EXTENSIONS – Individuals hired and employed by USAID, with funds made available in this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs, pursuant to the authority of [Section 309 of the Foreign Service Act of 1980](#), may be extended for a period of up to four (4) years notwithstanding the limitation set forth in this section."

Legislation relating to this authority is vetted by Congress on an annual basis.

In order to ensure that both Mission and Washington operations work smoothly and that permanent FS positions can be created in accordance with the buildup culminating in the doubling of FS personnel by FY 2012, OHR is issuing the following guidance regarding the utilization of this new authority as it relates to existing FSLs:

1. Missions and Washington operating units will be provided with updated listings of FSLs currently serving in each Bureau/Office/Mission and will be notified of the "not to exceed" (NTE) date for each FSL six months before expiration of his or her NTE date.
2. Operating units requesting an extension of a specific FSL must submit a programmatic justification for each extension at least 120 days before the expiration of the employee's appointment to allow for decision making and update of clearances (for example, medical and security) as necessary, if the request is approved by OHR.
3. Requests from Missions and Washington operating units must be cleared by the appropriate regional Bureau Deputy Assistant Administrator or relevant Washington Office Director before submission to OHR.
4. OHR will review each request considering the FSL extension versus the availability of USAID permanent staff with required skills to meet the operating units' needs.
5. If qualified USAID staff is available, the FSL extension will be disapproved and OE funding will be provided in order to establish a permanent non-FSL position.



6. FSL extensions may be approved up to four years but, as described above, will be re-evaluated on an annual basis by OHR.

Detailed information on the FSL program is available on the HR Web page, located at <http://inside.usaid.gov/M/HR/fsl/fslprog.htm>. OHR issues USAID/General Notices as changes to the program occur.

**414.3.3.6 Change from Non-Career to Career Candidate Appointment**  
Effective Date: 01/03/2013

Non-career FS employees hired under **414.3.3.3** are not eligible to convert to FS career candidate appointments, except in limited circumstances.

a. As an incentive for serving in Critical Post Countries (CPCs) (Iraq, Afghanistan, Pakistan, and Sudan), certain FSL employees are eligible to be considered for conversion to FS career candidate appointments. Eligibility for conversion to career candidate appointments applies only to those FSLs who the Agency recruited and selected for positions offering competitive appointments, and who possess skills for which USAID has a continuing need as determined by OHR.

b. In these limited circumstances, FSLs must:

- Complete two years of duty under the FSL appointment in the competitive position before becoming eligible for conversion to career candidate status;
- Have service under at least two full 12-month Annual Evaluation Forms (AEFs) that merits conversion consideration;
- Submit an application for conversion consideration in writing to OHR/FSP;
- Must have a written recommendation from the current Mission Director or Deputy Mission Director that he or she be offered a career candidate appointment, and

c. OHR evaluates the request based on the employee's two performance evaluations, Mission recommendation, and the ongoing need at the mid level for the employee's backstop.

d. If the request is approved, the FSL:

- Is given a new limited appointment as a career candidate for a period not to exceed five years; and

- Becomes subject to the tenure requirements attached to this chapter, **including remaining in his or her backstop until tenure** (See [Tenuring of Foreign Service Career Candidates](#)).

OHR/PPIM staff evaluates any impact conversions may have on the average advancement of career FSOs and takes into consideration the number of conversions at each salary class when calculating the number of promotions to be granted on an annual basis.

CS employees given non-career FS limited appointments are eligible to convert to FS career candidate appointments under the authority of [ADS 415, Civil Service to Foreign Service Appointment Program](#).

Any FS-01 non-career employee who converts to a FS career candidate appointment must convert at the FS-02 level at a comparable salary not to exceed the top of the salary class. The change to lower grade takes effect the date of the conversion.

#### **414.3.3.7 The Short-Term Appointment Roster (STAR)**

Effective Date: 07/01/2010

The STAR replaces the former Surge Roster and provides a listing of USAID retirees at the GS-13 or FS-2 grade or above who have expressed interest in short-term temporary assignments overseas or in Washington. When a Mission or USAID/Washington B/IO has a sudden short-term staffing need for which there is no immediate practical solution, a STAR appointment may be an appropriate mechanism.

Individuals employed by USAID through STAR will receive temporary (not to exceed 120 days) Civil Service appointments. The STAR appointment counts against the B/IO's vacant positions under manage-to-budget; therefore, the B/IO is responsible for all associated costs and method of payment. All travel and other local costs will be paid by the respective Mission or B/IO.

A STAR appointment does not have an immediate effect on an FS annuity. The amount of time that can be worked without affecting the FS annuity is different for each individual.

For Civil Service retirees, there is an immediate effect on a Civil Service annuity. The salary under a temporary appointment is reduced by the annuity received. Under limited circumstances, OHR may be able to grant a waiver to the mandatory salary offsets for Civil Service reemployed annuitants pursuant to [Pub.L. 111-84](#). (Unless extended, this authority expires on October 27, 2014.) Under this authority, a Civil Service annuitant returns to the workforce on a limited basis and receives both his or her annuity and the pay of the position (dual compensation). There are various requirements and limitations on use of this authority.

Retirees who are interested in being placed on the roster should refer to the OHR Web page at <http://inside.usaid.gov/HR/resources.cfm> for additional information and instructions. STAR appointments are processed by the Civil Service Personnel Division (OHR/CSP).

#### How to Request a STAR Appointment

1. Missions or USAID/Washington B/IOs coordinate requests for STAR assistance through the B/IO's Management Staff. The B/IO Management Staff obtains the necessary approvals within their organization for use of the STAR appointment and ensures there is available funding. This is a short-term appointment that counts against the B/IO's vacant positions under manage-to-budget. Therefore, the Mission or B/IO is responsible for all travel and other associated costs.
2. The B/IO Management Staff AMS submits the Personnel Action Request (PAR) to OHR/CSP through the servicing HR Specialist indicating the dates of the proposed assignment and the level of security clearance necessary for the duties to be performed. A generic position description (PD) or a concise statement of work must accompany the PAR.
3. STAR appointments for overseas assignment may initially exceed 42 days; however, for budgeting purposes, it should be noted that temporary duty overseas in excess of 42 consecutive days will increase costs if the post of assignment is designated for post (hardship) differential.
4. OHR will confirm the status of the selected employee's security clearance. OHR will initiate the medical clearance if the STAR appointment for overseas assignment is for 60 days or more. The candidate will be responsible for scheduling his or her medical examination and follow-up.

#### **414.3.4 Language Requirements**

Effective Date: 07/01/2010

In accordance with [Section 702 of the Act](#), USAID must not finalize assignments to language-designated positions (LDPs) until the employee attains the required language proficiency or obtains an approved waiver of the language requirement for assignment to post. In those instances when a waiver is obtained, OHR/FSP staff advises Mission management to enroll the employee in a language training course immediately upon arrival at post so that the employee can attain the required language proficiency.

Career candidate employees must demonstrate an acceptable foreign language skill in order to be certified for tenuring review. The employee must possess a Foreign Service Institute (FSI)-tested foreign language proficiency rating of S-3/R-3 in a USAID Category A language (French, Spanish, or Portuguese) or S-2/R-1 or S-2/R-0 in any of the other languages qualifying for USAID tenure. Language for tenure **cannot** be waived. (See [Section 702 of the Act](#) and [USAID Tenuring Languages](#)).

#### **414.3.5 Performance Evaluation and Promotion**

Effective Date: 07/01/2010

All FS employees must receive annual evaluations under the Agency's Employee Evaluation Program (See [ADS 461, Employee Evaluation Program for Foreign Service and Senior Foreign Service Officers](#)) which requires the AEF be used to document performance. However, only career and career candidate employees are eligible for review and recommendation for promotion by Performance Boards.

#### **414.3.6 Tenuring of Career Candidates**

Effective Date: 07/01/2010

“Tenuring” is a process that changes a career candidate from limited to career status after a successful trial period with the Agency. Tenure decisions in USAID are based on recommendations by a FS Tenure Board.

In making its tenuring decision, the Tenure Board conducts an examination of career candidates to ensure that they demonstrate aptitude and fitness for career service, as required by the standards of performance for tenured FSOs. If the career candidate does not demonstrate aptitude and fitness, USAID terminates the employee’s limited appointment and separates him or her from the FS.

USAID places no numerical limit on the number of employees eligible for tenure. Employees are not reviewed comparatively with other career candidates but on an individual basis against the tenuring precepts.

Tenure Board members who evaluate career candidates must assess whether each employee eligible for tenure fulfils the standards and performance levels for tenured FS Officer and supports USAID’s mission as a Foreign Affairs Agency.

The operations of the Tenure Board and Precepts for decision making by the Board are described in detail in [Tenuring of Foreign Service Career Candidates](#) and [Precepts for USAID’s Tenure Board](#).

#### **414.3.7 Foreign Service Pay**

Effective Date: 10/03/2011

Policy directives and required procedures for Foreign Service pay for new appointees and USAID FS employees are located in [ADS 470, Pay Under the Foreign Service](#), and [Sections 307](#), [403](#), [404](#), and [406 of the Act](#).

For more information about Foreign Service pay, see [470mad, Foreign Service Comparability Pay](#).

##### **414.3.7.1 Appointment Salary**

Effective Date: 07/01/2010

OHR/FSP determines the appointment salary for all categories of Foreign Service employees, in accordance with the policy directives and required procedures established in [ADS 470, Pay Under the Foreign Service](#).

#### **414.3.7.2 Within-Class Salary Increases**

Effective Date: 07/01/2010

All FS non-career, career candidate and career employees are eligible to receive periodic within-class salary increases if the employees are paid at a step below the maximum step of their salary class, in accordance with [Section 406 of the Act](#) and [ADS 470](#).

#### **414.3.8 Retirement Coverage**

Effective Date: 07/01/2010

Generally, FS appointees receive retirement coverage as follows:

- FS non-career employees may be covered under the Civil Service Retirement System (CSRS), Civil Service Retirement System (CSRS) Offset, or Federal Employees Retirement System (FERS), as appropriate.
- FS career candidates are covered by the Foreign Service Pension System (FSPS), unless they were covered under another retirement system (for example, CSRS, FERS) and converted without a break in service.

OHR/FSP determines the appropriate retirement coverage for all FS employees, including former career employees who are reappointed or recalled.

#### **414.3.9 Allowances, Differentials, and Other Benefits**

Effective Date: 07/01/2010

Allowances, differentials, and other benefits authorized by law, rule, or regulation are available to employees covered under this chapter (See [ADS 476, Benefits](#) and [ADS 477, Allowances and Differentials](#)).

#### **414.3.10 Termination of Time-Limited Appointment**

Effective Date: 10/03/2011

[Section 612 of the Act](#) provides the authority for terminating FS limited appointments, except for cause, at any time if the needs of the service so require. Separation for cause is covered under [Section 610 of the Act](#) (See also [ADS 450, Termination of Limited Appointments](#)).

The DAA/HR or designee is responsible for terminating, at any time, the appointment of an employee serving under a limited appointment prior to the expiration date of the appointment.

For more information about limited appointments, see [470mae, Foreign Service Limited \(FSL\) Appointees and the Employee Evaluation Program \(EEP\)](#).

#### **414.3.11 Reemployment**

Effective Date: 07/01/2010

An employee of USAID or another agency who accepts a limited appointment in the FS is entitled, upon termination of the limited appointment and with the consent of the head of the agency in which the employee was employed, to be reemployed by USAID or his or her parent agency in accordance with [Section 3597 of Title 5 United States Code](#) and [Section 310 of the Act](#) (See [ADS 412, Reemployment Rights](#)). Reemployment rights must be granted, in writing, BEFORE the limited FS appointment is effected.

#### **414.4 MANDATORY REFERENCES**

##### **414.4.1 External Mandatory References**

Effective Date: 07/01/2010

- a. [5 U.S.C. 2108, Veterans; Disabled Veteran; Preference Eligible](#)
- b. [5 U.S.C. 3328, Selective Service Registration](#)
- c. [5 U.S.C. 3597, Reemployment Following Limited Appointment in the Foreign Service](#)
- d. [16 FAM 215 and 216](#)
- e. [38 U.S.C. 43 Employment and Reemployment Rights of Members of the Uniformed Service](#)
- f. [Executive Order 10450, as amended](#)
- g. [Foreign Service Act of 1980, as amended; sections 301, 302, 303, 306, 307, 308, 309, 310, 403, 404, 406, 610, 612, 702, 805, 806, 812, 815, 816, 823, 824, 825, and 904](#)
- h. [Homeland Security Presidential Directive 12](#)
- i. [Pub. L. 111-8, Omnibus Appropriations Act, 2009, Section 7059\(g\) Foreign Service Limited Extensions](#)
- j. [Pub. L. 111-84, Reemployment of Civilian Retirees under the National Defense Authorization Act for Fiscal Year 2010](#)
- k. [Selective Service System \(www.sss.gov\)](#)

I. [Uniformed Services Employment and Reemployment Rights Act of 1994 \(USERRA \)](#)

**414.4.2 Internal Mandatory References**

Effective Date: 01/03/2013

- a. [ADS 103, Delegations of Authority](#)
- b. [ADS 410, Drug-Free Workplace Program](#)
- c. [ADS 412, Reemployment Rights](#)
- d.. [ADS 414mac, Precepts for USAID's Tenure Board](#)
- e. [ADS 414mad, Tenuring of Foreign Service Career Candidates](#)
- f. [ADS 414maf, USAID Tenuring Languages](#)
- g. [ADS 414mak, Foreign Service Retirement and Disability System](#)
- h. [ADS 415, Civil Service to Foreign Service Appointment Program](#)
- i. [ADS 422, Personnel Operations: Senior Foreign Service](#)
- j. [ADS 435, Commissions, Titles and Rank](#)
- k. [ADS 440, Time-in-Class \(TIC\) Limitations and Limited Career Extensions \(LCEs\)](#)
- l. [ADS 450, Termination of Limited Appointments](#)
- m. [ADS 461, Employee Evaluation Program for Foreign Service and Senior Foreign Service Officers](#)
- n. [ADS 463, Foreign Service Boards](#)
- o. [ADS 468, Foreign Service Personnel Recruitment](#)
- p. [ADS 470, Pay Under the Foreign Service](#)
- q. [ADS 470mac, Foreign Service Comparability Pay](#)
- r. [ADS 470mae, Foreign Service Limited \(FSL\) Appointees and the Employee Evaluation Program](#)

- s. [ADS 476, Benefits](#)
- t. [ADS 477, Allowances and Differentials](#)
- u. [ADS 495, Foreign Service National Personnel Administration](#)
- v. [ADS 499, Overseas Employment Program](#)
- w. [ADS 601, Funding Source Policy](#)

#### **414.4.3 Mandatory Forms**

Effective Date: 07/01/2010

- a. [Authorization for Release of Medical Information](#)
- b. [Certificate of Waiver - FS Annuity](#)
- c. [Conditions of Employment for Career Foreign Service Employees](#)
- d. [Conditions of Employment for Time-Limited Foreign Service Career Candidate Employees](#)
- e. [Conditions of Employment for Time-Limited Foreign Service Non-Career Employees Assigned to Overseas Mission](#)
- f. [Employment Eligibility Verification Program \(E-Verify\)](#)
- g. [Notification of Personnel Action \(SF-50\)](#)
- h. [SF-86, Questionnaire for National Security Positions](#)
- i. [Tenure Evaluation Form \(TEF\)](#)

#### **414.5 ADDITIONAL HELP**

Effective Date: 01/03/2013

- a. [ADS 414maa, Guidelines for the Medical Review Committee](#)
- b. [ADS 414mab, Medical Clearances and Waivers at the Time of Appointment and at Tenuring in the USAID Foreign Service](#)
- c. [ADS 414mae, List of Employment Forms](#)



## **414.6 DEFINITIONS**

Effective Date: 07/01/2010

The terms and definitions listed below have been incorporated into the ADS Glossary. See the [ADS Glossary](#) for all ADS terms and definitions.

### **appointing officer**

A person having power by law or by lawfully delegated authority to make appointments. (Chapter 414)

### **appointment - limited**

An appointment of a specified duration from one to five years. (Chapter 414)

### **appointment - temporary**

An appointment limited to a period of one year or less. (Chapters [413](#), 414)

### **backstop**

Numeric code used to identify the skill category of a particular position. (Chapters 414, [415](#))

### **career candidate appointment**

An employee hired for a time-limited appointment that is intended to lead to a full career with the Agency following successful completion of tenure requirements. (Chapters [412](#), 414, [415](#))

### **career appointment**

A career appointment is an appointment given to tenured employees. Individuals appointed or converted to career appointments are subject to Time-in Class (TIC) limitations and mandatory retirement rules. (Chapters [412](#), 414, [415](#))

### **excepted service**

Positions in the Federal service not subject to appointment requirements of the competitive service. Exceptions to the normal, competitive requirements are authorized by law, executive order, and/or regulation. (Chapter 414)

### **non-career appointee**

An employee hired for a limited appointment, not to exceed five years, that is not intended to lead to a full career with the Agency. (Chapters 414, [415](#))

### **qualifications**

Education, experience, and other prerequisites to employment or placement in a Foreign Service position in USAID. (Chapter 414)

### **recalled FS employee**

A career FS employee who retired under the Foreign Service Retirement and Disability System (FSRDS) or Foreign Service Pension System (FSPS) and is returned to active

duty status in the same personnel category as the individual was serving at the time of retirement and to any appropriate salary class or rate. (Chapter 414)

**suitability**

Suitability refers to the basic standard (in EO 10450) requiring that an individual's appointment to or retention in the Federal Service must promote the efficiency of the Service. Suitability is only applicable to direct-hire employees (Chapters 414, [562](#), [566](#), [567](#))

**tenure**

A process that changes a career candidate from limited or conditional to career status. (Chapters 414, [463](#))

**Tenure Board**

A Board established by the Foreign Service Act of 1980, as amended, to review all career candidates who meet eligibility for conversion to career status. In USAID, the Tenure Board also reviews career candidates, not eligible for tenure review, who are identified by Performance Boards as employees who appear to be failing to meet the standards of their class. (Chapters 414, [463](#))

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